



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, May 22, 2018
Balboa Park, Santa Fe Room
2144 Pan America Road West
San Diego, CA 92101**

Members Present:

Doug Case, Chair
Joe Craver, 1st Vice Chair
Diana Dent
Reinaldo Galindo
Taura Gentry
Mary O'Tousa
Pieter O'Leary

Maria Nieto-Senour
Ernestine Smith
Richard Stanford
Nancy Vaughn
Pauline Theodore
Martin Workman

Members Absent:

Brandon Hilpert, 2nd Vice Chair
Sheila Holtrop

Prospective Members Present:

Darwin Fishman

Prospective Members Absent:

Greg Daunoras
Jonathan Colby (LOA)

Staff Present:

Sharmaine Moseley, Executive Director, CRB
Todd Jarvis, Executive Assistant Chief, San Diego Police Department
Wes Morris, Captain, San Diego Police Department
Adam Sharki, Lieutenant, San Diego Police Department
Mark Bennett, Lieutenant, San Diego Police Department
Jessie Holt, Detective, San Diego Police Department

- I. **CALL TO ORDER/WELCOME:** Chair Doug Case called the meeting to order at 6:04 p.m.
- II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:**
Chair Doug Case explained the purpose of the Community Review Board on Police Practices (CRB) to those in attendance.
- III. **APPROVAL OF MINUTES:** Motion was made by Joe Craver and seconded by Nancy Vaughn to approve the CRB minutes of April 24, 2018. Motion passed with a vote 11-0-2. Mary O'Tousa and Doug Case abstained.
- IV. **NON-AGENDA PUBLIC COMMENT:**
 1. Francine Maxwell
 2. Anita Turner
 3. Desiree Smith
 4. Brittany M.
 5. Marsha Grinco
 6. James S. Grilriamo
 7. Oletha
 8. Buki Domingo
 9. Michael Brackney
 10. Yusef Miller
 11. Kate Yavenditte
- V. **EDUCATIONAL TOPIC: "Policing & San Diego's Immigrant Communities"**

Presenter: Andrea Guerrero- Executive Director, Alliance San Diego

Andrea Guerrero described the immigrant community within San Diego and how diverse the community. She further described how this presents challenges to the police and how we could overcome those challenges. Ms. Guerrero explained the need to build trust and understand with police and the community to maintain a safer community.
- VI. **EDUCATIONAL TOPIC: "Update on the Appointment Process"**

Presenter: John Ly -Director of Appointments, City of San Diego

Mr. Ly explained the upcoming CRB appointment process. He stated that on May 10th, the Mayor made a call for nominations to the City Council. Those names will be compiled and added to the list of those from the CRB. The goal is to coordinate everything with the implementation of Measure G.
- VII. **UNFINISHED BUSINESS (DISCUSSION/ACTION):** None
- VIII. **NEW BUSINESS (DISCUSSION/ACTION):** None
- IX. **COMMITTEE REPORTS (DISCUSSION/ACTION)**

- A. Continuing Education Committee (Pieter O'Leary)
- i. Upcoming Education Topics/Guest Speakers: Committee Chair Pieter O'Leary stated that he will be obtaining a list of upcoming courses for the Board. Mr. O'Leary reported that he is working on a speaker for officers' use of technology.
- B. Outreach Committee (Taura Gentry)
- i. Monthly Calendar of Events/Outreach Opportunities - Committee Chair Gentry highlighted some of the upcoming events on the CRB's new calendar. She mentioned the CRB having a presence at this year's Better a Block event and the Unity Games. Ms. Gentry encouraged CRB attendance at the meetings and events listed on the calendar. She further reported that the policy and procedures for the police department are now online.
- C. Rules Committee (Brandon Hilpert)
- i. Case Review Turnaround Timelines Update: Chair Doug Case stated that Second Vice Chair Brandon Hilpert was not present to discuss this item. Chair Doug Case gave a summary on the last Rules Committee Meeting. The Committee is working on the language for the turnaround times and the goals for turnaround times, which will be voted on at the next meeting.
 - ii. Audit of Category II Case: Chair Doug Case explained that the Committee is waiting for the implementation ordinance to be passed. The CRB's auditing of category II cases is expected to begin in August.
 - iii. Case Summaries for Publication: Chair Doug Case reported that the Committee is studying the possibility of publishing a brief redacted summary of the cases and what the findings were, as well as the rationale for the findings. Mr. Case further reported that the CRB's Outside Legal Counsel will be invited to the next Rules Committee Meeting as the Committee continues to consider the proposal.
 - iv. Develop New Bylaws: Chair Doug Case reported that once the implementation ordinance is adopted, the CRB will be responsible for drafting and approving its own Bylaws. The goal is to have those bylaws reviewed by the Rules Committee in June, and to have the new Bylaws considered at the June or July CRB Open Meeting.

D. Policy Committee

(Joe Craver)

Committee Chair Joe Craver reported that the Policy Committee is bringing three items before the board. The first item is for information only, and not for any action. The second two are action items and need to be voted on by the Board.

1. The Policy Committee considered the SDPD policy of allowing police officer's representatives representing many officers on the same case. The SDPD and the CRB does not have the authority to make restrictions on who can represent the officers under the Officer's Bill of Rights. The officers can choose who will represent them. However, the CRB can make comments in their reports. This was reviewed with the CRB's Outside Legal Counsel.
2. The Policy Committee considered an officers' use of the carotid restraint. On behalf of the Policy Committee, Mr. Craver moved that the CRB recommend to the San Diego Police Department that the carotid restraint be removed from Department Policy 1.04 (Use of Force Policy) for Active Resistance Behavior and be retained for Assaultive or Life-Threatening Behavior. Maria Nieto-Senour, moved to amend the ban on the Carotid Restraint in all circumstances. Nancy Vaughn seconded that motion to remove any use of the carotid restraint. The motion failed to pass with a 5-7 vote. Maria Nieto-Senour, Nancy Vaughn, Diana Dent, Richard Stanford, and Reinaldo Galindo voted for the amendment. Joe Craver, Taura Gentry, Mary O'Tousa, Pieter O'Leary, Ernestine Smith, Pauline Theodore, and Martin Workman voted in opposition.

Motion: Recommendation to the San Diego Police Department that the carotid restraint be removed from Department Policy 1.04 (Use of Force Policy) for Active Resistance Behavior and be retained for Assaultive or Life-Threatening Behavior.

Motion Passed: Vote of 10-2-1, Maria Nieto-Senour and Taura Gentry voted in opposition, Chair Doug Case abstained. Nancy Vaughn, Diana Dent, Richard Stanford, Joe Craver, Mary O'Tousa, Pieter O'Leary, Ernestine Smith, Pauline Theodore, Martin Workman and Reinaldo Galindo voted for the amendment.

Motion: Recommendation to SDPD that if officers use the Carotid Restraint on a person, the person must be transferred immediately to a medical facility.

Motion Passed: Vote of 12-0-1 (Chair Doug Case abstained)

Motion: Recommendation to SDPD that the Carotid Restraint should not be used on officers in training.

Motion Failed: Vote of 0-12-1 (Chair Doug Case abstained)

3. Committee Chair Joe Craver reported on to the documentation of evidence.

Motion: The CRB recommended that when any branch of the SDPD shares evidence with the San Diego Medical Examiner's office ("ME") regarding an in-custody death or officer – involved shooting, SDPD must thoroughly document in writing each piece of evidence shared with the ME, including but not limited to Body Worn Camera ("BWC") footage. SDPD also should document the date and time the evidence is shared, the title of the evidence, who it was shared by, whom it was shared with, whether the ME retained the evidence, and in case of BWC footage, the date and the time the video shown, the title of each video clip shown, whether video was viewed in its entirety, and the names of everyone (including SDPD personnel) who viewed the video(s). This information must become part of the Internal Affairs file and must be available for Community Review Board members to review.

Motion Passed: Vote of 12-0-1 (Chair Doug Case abstained)

E. Recruitment & Retention Committee (Maria Nieto-Senour)

- i. Committee Chair Maria Nieto-Senour reported that the Committee will be scheduling another meeting. Ms. Nieto-Senour appointed Nancy Vaughn to the Committee.

F. Nomination Committee (Sheila Holtrop)

- i. Committee Chair Sheila Holtrop was absent for this meeting, so Committee Member conducted this part of the meeting.

CRB Chair Position: Nominees Taura Gentry & Joe Craver

First Vice-Chair: Brandon Hilpert & Maria Nieto-Senour

Second Vice-Chair: Taura Gentry & Doug Case

All nominees will prepare a 1-2-minute presentation with their qualifications, leadership qualities, accomplishments, and abilities.

X. CHAIR'S REPORT

(Chair Doug Case)

A. Status of Implementation of Measure G Ordinance

Chair Doug Case reported that the ordinance is being reviewed by City Attorney Staff and plan to go before Council with a tentative date of June 18th for the first reading.

B. Training of New Members (content, timeline, etc)

New members will need to be trained quickly and effectively so the new members can begin to review on cases as soon as possible.

C. Reporting of Hours

Reminder for members to report their hours online for an accurate count of volunteer hours for this fiscal year ending June 30.

D. Update on the City Council Budget Review Committee Meeting

There will be a new structure for staffing regarding the Boards and Commissions and a new office for Boards and Commissions. The CRB will be under this new office.

E. CRB Liaison for Citizens Advisory Board on Police Community Relations

The Chair reported that the CRB will select a liaison to go to Citizen Advisory Board meetings and report back to make sure policy recommendations are coordinated and not duplicated.

F. Update on City Council Rules Committee Re: Women Occupy Proposal Charter Amendment

As a City body, the CRB cannot take positions on possible ballot initiatives, however, members of the Board are encouraged to attend the meeting on June 13th and comment as an individual on the proposal.

G. Work Plan Update: None

H. Relationship Building Retreat (Schedule for after July 1st)

As discussed at the Executive Committee Meeting, a relationship building retreat between the CRB and the Internal Affairs staff is being planned.

XI. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)

A. Caseload Update & Status of Case Reports

Executive Director Sharmaine Moseley reported that after tonight's two cases were reviewed by the board, there is now a total of nine active cases.

The CRB closed out a total of 43 cases for FY18. The breakdown of active cases are as follows:

Team 1 – 2 cases	Team 4 – 2 cases
Team 2 – 2 cases	Team 5 – 0 cases
Team 3 – 2 cases	Team 7 – 1 case

B. Community Events/Forums/Meetings – This report was given under the Outreach Committee item.

Summary Past Meetings/Trainings/Outreach all on calendar

SDPD Effective Interactions Training (4.3) ✓
“De-Escalation Role Playing Scenarios”

Pillars of the Community First Saturdays at the Spot (4.7) ✓
CRB Outreach Opportunity – Table & Chairs

SD Rules Committee Meeting Re: Women Occupy Ballot (4.11) ✓
Proposal

Community Assistance Support Team (CAST) Meeting (4.12) ✓

CRB & CAB Collaboration Meeting (ED & Chairs) ✓

BAPAC Hidden Figures Brunch (4.14) ✓

Executive Director Moseley reported that she will be a panelist at a Regional Conference in Seattle from June 27 – 29.

C. CRB Website Updates– Policy Changes Accomplishments & Calendar List

Executive Director Sharmaine requested that the CRB work together to gather and provide the correct information for the calendar so she can post it online.

D. Other Items/Reminders

Political Activity in the Workplace Policy

The Grand Jury Report

XII. **SAN DIEGO POLICE DEPARTMENT REPORT** (Executive Assistant Chief Todd Jarvis)

A. Status of CRB Recommendations – Captain Wes Morris gave the SDPD report stating that the following CRB recommendations are currently being responded to and drafted in writing.

- Recommendation that SDPD require an officer writing a report in a use of force incident, not to view video prior to writing report & prior to being interviewed in in-custody death & officer-involved shooting cases. In addition, the officer should have the option of writing a supplemental report after viewing the BWC video.
- Recommendation for SDPD to adopt a de-escalation policy and use Baltimore's policy as a model
- Recommendation for SDPD to change unlawful detention & unlawful search and seizure complaints to Category I

B. Other Items – Executive Assistant Chief Jarvis stated the responses are being drafted.

XIII. **BOARD MEMBER RIDE-ALONG REPORTS:** None

XIV. **BOARD MEMBER ANNOUNCEMENTS/COMMENTS:** None

XV. **ADJOURNMENT:** 8:08 p.m.